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SIPDIS

DEPT FOR AF/FO, AF/S, AND AF/RSA: MAZEL, GRIESMER, DEES

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [SOCI](#) [CG](#)

SUBJECT: REQUEST FOR INFORMATION ON HUMAN RIGHTS TRENDS IN
AFRICA PERTAINING TO SEXUAL ORIENTATION AND GENDER
IDENTITY: DEMOCRATIC REPUBLIC OF THE CONGO

REF: STATE 130765

¶1. In response to reftel, no known specific anti-gay laws are on the books in the Democratic Republic of Congo (DRC), nor is any bill under consideration in parliament that would make homosexuality illegal, as long as the relationship is not violent or flaunted publicly. Several articles of the penal code deal with rape and decency that can be applied in same sex situations. Rape perpetrated by either a man or woman against someone of the same gender is considered rape and would be prosecuted as such. In addition, public displays of homosexuality are prosecutable as violating public decency according to both the penal code and the 2006 law against sexual violence. Article 40 of the Constitution stipulates that any individual is entitled to marriage with a person of the opposite gender for the purpose of founding a family and the DRC Family Code defines marriage as that between a man and a woman.

¶2. Although no groups are actively working on this issue today, in 2006 the legal profession did call for the government to address the homosexual relationship question in the Constitution. Congolese lawyer Pathy Lendo advocated for this attention because "the DRC laws were silent on this issue." The UN/MONUC Joint Office of Human Rights confirms that there are no known local NGO's or other organizations lobbying for this human rights item.

¶3. Historically, homosexuality has been frowned upon by the Congolese culture. Some indigenous cultures in the DRC exist where gay men were used as women in rich men's harems, but these are generally looked down upon and considered abnormal. The local population blames the influx of the UN and international community in the DRC for bringing the issue out of the closet. Homosexuality is gaining some acceptance in cities and among younger generations, despite being viewed as unacceptable in rural areas.

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